

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**CORBEY JONES**

**PLAINTIFF**

**VERSUS**

**Civ. No. 2:22-CV-93-KS-MTP**

**JONES COUNTY, MS; SHERIFF JOE  
BERLIN; DEPUTY JAMES MANN; SGT.  
JESSE JAMES; DEPUTY COLTON  
DENNIS; CAROL JOHNSTON;  
JANET HENDERSON; AND  
DEPUTY MEKEDES COLEMAN**

**DEFENDANTS**

**MOTION TO DISMISS**

COMES NOW Deputy Mekedes Coleman, one of the Defendants herein, by and through counsel, and files this, her *Motion to Dismiss*, incorporating herein by reference, as if fully set forth herein in words and figures, the arguments and authorities set forth in the *Memorandum in Support of Motion to Dismiss* being filed simultaneously herewith, and would show unto the court as follows:

1. Plaintiff has failed to state a claim entitling him to relief and, accordingly, Plaintiff's *Amended Complaint* [Doc. 52], should be dismissed pursuant to Federal Rule of Civil Procedure 12(b)(6).

2. Plaintiff's recitals of the elements of numerous causes of action, supported by mere conclusory statements, does not satisfy plaintiff's pleading burden under § 1983.

3. Deputy Mekedes Coleman is entitled to dismissal of Plaintiff's federal constitutional claims on the basis of qualified immunity.

4. Plaintiff has not alleged that Deputy Mekedes Coleman violated any constitutional right of the Plaintiff that was clearly established at the time of the incident alleged in the Complaint.

5. At all times mentioned in the Complaint the conduct of Deputy Mekedes Coleman was objectively reasonable with respect to Plaintiff

6. Deputy Mekedes Coleman, in her individual capacity, is shielded from liability by the doctrine of qualified immunity.

7. Plaintiff's allegation also suffers from the distinct problem of group pleading: he simply faults Defendants as a group without factual material suggesting that any particular defendant violated the constitutional rights of Mr. Jones.

8. Defendants adopt and incorporate herein by reference, as if fully set forth herein in words and figures, the arguments and authorities set forth in the *Memorandum in Support of Motion to Dismiss* being filed simultaneously herewith.

### **CONCLUSION**

WHEREFORE, PREMISES CONSIDERED, Defendant, Deputy Mekedes Coleman, pursuant to Rule 12 of Federal Rules of Civil Procedure, respectfully moves the Court to enter its' Order dismissing Plaintiff's *First Amended Complaint* [Doc. 52], in her favor as to Plaintiff's federal constitutional claims and further directing that there is no just reason for delay in the entry of final judgment on the dismissal of such claims as against this defendant under Rule 54(b) of the Federal Rules of Civil Procedure.

RESPECTFULLY SUBMITTED this the 25<sup>th</sup> day of May, 2023.

Deputy Mekedes Coleman  
Defendant

By: /s/Wesley C. Pinson  
Wesley C. Pinson (MSB#106508)  
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**CERTIFICATE OF SERVICE**

I, Wesley C. Pinson, one of the attorneys for Defendant, do hereby certify that I served the above and foregoing pleading upon all counsel of record via the Court's ECF/CMF system, which will send notice of filing to all counsel of record.

This the 25<sup>th</sup> day of May, 2023.

/s/Wesley C. Pinson  
Wesley C. Pinson (MSB#106508)